

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JERRY DORAN,

2:03-CV-2081-MCE-CMK

Plaintiff,

v.

MEMORANDUM AND ORDER

J.A. Sutherland, Inc., dba
Taco Bell #2463; Taco Bell
Corporation; and, Does 1
through 10,

Defendants.

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Through the present action, Plaintiff Jerry Doran is seeking declaratory, injunctive and monetary relief from Defendants J.A. Sutherland Incorporated and Taco Bell Corporation alleging various violations of the Americans with Disabilities Act.¹ While trial in this matter has been repeatedly set and continued, Counsel for Defendants are herein seeking another continuation of trial based on irremediable calendar conflicts.

¹Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefs. E.D. Cal. Local Rule 78-230(h).

1 More precisely, trial in this matter is currently set for
2 February 28, 2007, however, Defendants' counsel is scheduled to
3 proceed on another matter set to commence trial in the Nevada
4 County Superior Court on February 27, 2007. In addition,
5 Defendants' retained expert, John Nunan, has pre-paid vacation
6 plans which conflict with the current trial date of February 28,
7 2007.

8 Defendants contend that good cause exists for the Court to
9 continue this matter because of the foregoing double calendar
10 conflict. Indeed, should trial proceed as currently scheduled,
11 Defendants will be forced to proceed without both their chosen
12 counsel as well as their key retained expert.

13 Defendants' Motion to Continue is both unopposed and
14 properly submitted. Upon review of the facts giving rise to
15 Defendants' Motion, the Court finds good cause has been
16 established. Good cause having been found, Defendants' Motion to
17 Continue is, hereby, GRANTED. Trial shall be reset to commence
18 on September 5, 2007, at 9:00 a.m. in Courtroom 3.

19 IT IS SO ORDERED.

20 Dated: February 14, 2007

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23 MORRISON C. ENGLAND, JR.
24 UNITED STATES DISTRICT JUDGE
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